

**In the
Indiana Supreme Court**

IN THE MATTER OF)
)
APPROVAL OF LOCAL RULES)
)
FOR CASELOAD MANAGEMENT)
)
FOR MARION COUNTY)

Case No. 49S00-1405-MS- *365*



ORDER REGARDING LOCAL RULES FOR CASELOAD MANAGEMENT

The Judges of the Marion Circuit and Superior Courts request an exemption from compliance with Ind. Administrative Rule 1(E) as it related to the Traffic Division of Marion Superior Court.

Pursuant to the Schedule for Adoption of County Caseload Allocation Plans established under Ind. Administrative Rule 1(E), the courts of Marion County must review and either readopt or submit new caseload allocation plans in each odd-numbered year.

By an Order dated September 8, 2010, this Court granted an exemption from compliance with Ind. Administrative Rule 1(E) as it related to the Traffic Division of Marion Superior Court. In said Order, this Court also directed the Marion County judges to take concrete steps that would reduce the difference in utilization between the Traffic Division and the division with the lowest utilization to at least one half of the 7.15 difference which existed at that time. The Marion County courts achieved this goal and this exemption from compliance with Ind. Administrative Rule 1(E) was extended until December 31, 2013 by Order of this Court dated May 15, 2012.

The Judges of the Marion County Circuit and Superior Courts have made progress toward full compliance with the caseload disparity limits set by Ind. Administrative Rule 1(E). However, additional improvements must be made to bring all divisions of the circuit and superior courts into full compliance. Based on the statistical reports submitted pursuant to Ind. Administrative Rule 1 and a weighted caseload measures system, the caseload allocation plan must ensure that the difference in utilization between any two courts of record in a county does not exceed .40.

While Marion County has made significant progress, it is not yet in compliance and has not submitted proposed Local Rules to implement its concepts for its 2014 – 2015 Caseload Allocation Plan. We, therefore, neither approve nor reject Marion County's proposed caseload allocation plan. However we conclude that the request for continued exemption for the Traffic Division of Superior Court should be conditionally approved until December 31, 2015, subject to the following conditions:

1. Marion County shall submit its proposed Local Rules (LR49-AR1(E)-302, LR49-TR3-200, LR49-CR2.2-100 and LR49-CR2.3-101) to implement its Caseload Allocation Plan for 2014 – 2015 no later than July 1, 2014.

2. The Judges of the Circuit and Superior Courts of Marion County shall review the Marion County local rule for case assignments and/or allocation of judicial officers on a quarterly basis and shall assign cases and/or judicial officers as necessary to reduce the utilization variance among the division and courts until the variance is brought within the range permitted by Ind. Administrative Rule 1(E).

3. On or before June 1, 2015, which is the due date for Marion County's next caseload allocation plan, the Judges of the Circuit and Superior Courts of Marion County must take additional steps that will, by January 1, 2016, bring all Marion County courts into compliance with the .40 utilization variance.

IT IS FURTHER ORDERED that the Judges of the Circuit and Superior Courts of Marion County shall review the Marion County local rule for case assignments and/or allocation of judicial officers on a quarterly basis and shall assign cases and/or judicial officers as necessary to reduce the utilization variance among the division and courts until the variance is brought within the range permitted by Ind. Administrative Rule 1(E).

IT IS FURTHER ORDERED that the Superior Court is exempt from compliance with Ind. Administrative Rule 1 as the rule relates to the Traffic Division until December 31, 2015. On or before June 1, 2015, which is the due date for Marion County's next caseload allocation plan, the Judges of the Circuit and Superior Courts of Marion County must take additional steps that will, by January 1, 2016, bring all Marion County courts into compliance with the .40 utilization variance.

The Clerk of this Court is directed to post a copy of this Order on the Indiana Courts

Website.

The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Louis F. Rosenberg, Marion Circuit Court, 200 East Washington Street, W506, Indianapolis, IN 46204-3339; the Hon. David Shaheed, Marion Superior Court, Civil Div. 1, 200 E. Washington Street, W-407, Indianapolis, IN 46204; the Hon. Theodore Sosin, Marion Superior Court, Civil Div. 2, 200 E. Washington Street, W-443, Indianapolis, IN 46204; the Hon. Patrick McCarty, Marion Superior Court, Civil Div. 3, 200 E. Washington Street, W-406, Indianapolis, IN 46204; the Hon. Cynthia Ayers, Marion Superior Court, Civil, Div. 4, 200 E. Washington Street, W-442, Indianapolis, IN 46204; the Hon. Robert Altice, Jr., Marion Superior Court, Civil Div. 5, 200 E. Washington Street., W-507, Indianapolis, IN 46204; the Hon. Thomas Carroll, Marion Superior Court, Civil Div. 6, 200 E. Washington Street., W-542, Indianapolis, IN 46204; the Hon. Michael Keele, Marion Superior Court, Civil Div. 7, 200 Washington Street, W541, Indianapolis, IN 46204; the Hon. Gerald Zore, Marion Superior Court, Probate 8, 200 E. Washington Street, T-1721, Indianapolis, IN 46204; the Hon. Marilyn Moores, Marion Superior, Juvenile Div., 2451 North Keystone Avenue, Indianapolis, IN 46218; the Hon. David Dreyer, Marion Superior Court, Civil Div. 10, 200 E. Washington Street, T-1441, Indianapolis, IN 46204; the Hon. John Hanley, Marion Superior Court, Civil Div. 11, 200 E. Washington Street, T-1421, Indianapolis, IN 46204; the Hon. Heather Welch, Marion Superior Court, Civil Div. 12, 200 E. Washington Street, T-1760, Indianapolis, IN 46204; the Hon. Timothy Oakes, Marion Superior Court, Civil Div. 13, 200 E. Washington Street, T-1442, Indianapolis, IN 46204; the Hon. James Osborn, Marion Superior Court, Civil Div. 14, 200 E. Washington Street, T-542, Indianapolis, IN 46204; the Hon. Dave Cook, Marion Superior Court, Criminal 7, 200 E. Washington Street, E-607, Indianapolis, IN 46204; the Hon. Amy Jones, Marion Superior Court, Criminal 8, 200 E. Washington Street, E-643, Indianapolis, IN 46204; the Hon. Barbara Crawford, Marion Superior Court, Criminal 9, 200 E. Washington Street, E-648, Indianapolis, IN 46204; the Hon. Linda Brown, Marion Superior Court, Criminal 10, 200 E. Washington Street, E-608, Indianapolis, IN 46204; the Hon David Certo, Marion Superior Court 12, 902 Virginia Avenue, Indianapolis, IN 46203; the Hon. James Joven, Marion Superior Court, Criminal 13, 8115 E Washington Street, Indianapolis, IN 46219; the Hon. John Chavis, Marion Superior Court, Criminal 15, 200 E. Washington Street, E-450, Indianapolis, IN 46204; the Hon. William Nelson, Marion Superior Court, Criminal 18, 200 E.

Washington Street, W-342, Indianapolis, IN 46204; the Hon. Rebekah Pierson-Treacy, Marion Superior Court, Criminal 19, 200 E. Washington Street, T-442, Indianapolis, IN 46204; the Hon. Annie Christ-Garcia, Marion Superior Court, Criminal 24, 200 E. Washington Street, T-541, Indianapolis, IN 46204; the Hon. Kurt Eisgruber, Marion Superior Court, Criminal 1, 200 E. Washington Street, W-202, Indianapolis, IN 46204; the Hon. Marc Rothenberg, Marion Superior Court, Criminal 2, 200 E. Washington Street, W-241, Indianapolis, IN 46204; the Hon. Sheila Carlisle, Marion Superior Court, Criminal 3, 200 E. Washington Street, W-242, Indianapolis, IN 46204; the Hon. Lisa Borges, Marion Superior Court Criminal 4, 200 E. Washington Street, W-203, Indianapolis, IN 46204; the Hon. Grant Hawkins, Marion Superior Court, Criminal 5, 200 E. Washington Street, W-305, Indianapolis, IN 46204; the Hon. Mark Stoner, Marion Superior Court, Criminal 6, 200 E. Washington Street, 306, Indianapolis, IN 46204; the Hon. Jose Salinas, Marion Superior Court 14, 200 E. Washington Street, T-441, Indianapolis, IN 46204; the Hon. Helen Marchal, Marion Superior Court, Criminal 16, 200 E. Washington Street, G-024, Indianapolis, IN 46204; the Hon. Clayton Graham, Marion Superior Court, Criminal 17, 200 E. Washington Street, T-401, Indianapolis, IN 46204; the Hon. Steven Eichholtz, Marion Superior Court, Criminal 20, 200 W. Washington Street, E-439, Indianapolis, IN 46204; the Hon. Gary Miller, Marion Superior Court, Criminal 21, 200 E. Washington Street, G108, Indianapolis, IN 46204; the Hon. Clark Rogers, Marion Superior Court, 200 E. Washington Street, W-343, Indianapolis, IN 46204.

The Clerk of the Marion Circuit Court is directed to enter this Order and attachments in the Record of Judgments and Orders for the Courts, to post this Order and attachments for examination by the Bar and the general public, and if available, to publish this Order and attachments on the county clerk's website.

DONE at Indianapolis, Indiana, this May 29, 2014.



Brent E. Dickson
Chief Justice of Indiana